

“GRANDFATHERED” VOTING SYSTEMS REPORT
DISCUSSION ITEM ONLY

**“Grandfathered” Voting Systems including Datavote
InkaVote and Mark-A-Vote ballot/card readers, Optech
Eagle and IV-C optical scan voting systems and
Microcomputer Tally System (MTS) version 1.3.1 and
BCWin (ELNCount version 1.00.0101, ELNPrep
version 2.00.0008, ELNUtl version 1.00.0000) central
tabulation systems**

**Prepared by:
Secretary of State Elections Division
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I. SUMMARY

There are currently several voting system components currently certified in California that are not federally qualified. As most of these systems were developed and/or certified before the federally qualification system existed they are commonly referred to as “grandfathered” voting systems.

At the January 2005 meeting of the VSPP, the panel requested further information on which provisions of HAVA these system would and would not meet. A chart summarizing that information is attached.

The following general points can be concluded from this information:

1. All counties using these systems would require at least one additional voting system component to meet the requirements for voters with disabilities.
2. All of these systems with the exception of the Optech Eagle would need to be used in conjunction with either an additional voting system component or an educational program to meet the overvote notification requirement.
3. Only counties replacing the Datavote system would be eligible for Section 102 money.

II. PUBLIC COMMENT

In response to the public meeting notice being issued and allowing for written submissions, staff has received no correspondences specific to this item.

Voting System	HAVA Requirement							
	<i>If System used in 11/00 Election, Eligible for Punchcard Buyout (102)</i>	<i>Permit the voter to privately and independently verify ballot (301)</i>	<i>Allow Voter to Correct/Change Ballot (301)</i>	<i>Overvote Notification</i>	<i>Shall produce a permanent paper record</i>	<i>Disability Accessibility</i>	<i>Language Accessibility</i>	<i>Shall provide for a universal definition of a vote.</i>
<i>Datavote</i>	Yes	Yes. See also sections on accessibility.	Yes. Changes may require voter to replace their ballot card.	No. Would require a supplemental education program or additional voting system component	Yes. Paper based system.	No. Would require an additional voting system component.	Yes. Can support ballots in languages other than English.	Yes. Use procedures can allow for the universal definition of a vote.
<i>InkaVote</i>	No	Yes. See also sections on accessibility.	Yes. Changes may require voter to replace their ballot card.	No. Would require a supplemental education program or additional voting system component	Yes. Paper based system.	No. Would require an additional voting system component.	Yes. Can support ballots in languages other than English.	Yes. Use procedures can allow for the universal definition of a vote.
<i>Mark-A-Vote</i>	No	Yes. See also sections on accessibility.	Yes. Changes may require voter to replace their ballot card.	No. Would require a supplemental education program or additional voting system component	Yes. Paper based system.	No. Would require an additional voting system component.	Yes. Can support ballots in languages other than English.	Yes. Use procedures can allow for the universal definition of a vote.
<i>Optech Eagle</i>	No	Yes. See also sections on accessibility.	Yes. Changes may require voter to replace their ballot card.	Yes. Can be configured to provide overvote notification	Yes. Paper based system.	No. Would require an additional voting system component.	Yes. Can support ballots in languages other than English.	Yes. Use procedures can allow for the universal definition of a vote.
<i>Optech IV-C</i>	No	Yes. See also sections on accessibility.	Yes. Changes may require voter to replace their ballot card.	No. Would require a supplemental education program or additional voting system component	Yes. Paper based system.	No. Would require an additional voting system component.	Yes. Can support ballots in languages other than English.	Yes. Use procedures can allow for the universal definition of a vote.